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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91203146
Party	Defendant The Gregory Group
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Submission	Answer
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Date	02/03/2012
Attachments	6437-1500 - Applicant's Answer to Notice of Opposition in TTAP for FILING (A0462008).PDF (5 pages)(16785 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Trademark Application Serial No. 85/309097

Published on November 1, 2011

Cool Cat Café LLC and Cool Cat Café SLO,
LLC,

Opposers,

vs.

The Gregory Group,

Applicant.

Opposition No.: 91203146

U.S. Trademark Application No. 85/309097

APPLICANT'S ANSWER TO NOTICE OF OPPOSITION

Applicant, The Gregory Group, for its Answer to the Notice of Opposition filed by Cool Cat Café LLC and Cool Cat Café SLO, LLC, Opposition No.: 91203146, against application for registration of U.S. Trademark Application No. 85/309097 for the mark COOL CAT CAFÉ & Cat with Sunglasses Design in class 043 for restaurant services ("Mark"), responds, by and through counsel J. Calhoun Watson, to each of the grounds set forth in the Notice of Opposition, as follows:

1. Applicant denies knowledge and information sufficient to admit or deny the allegations contained in Paragraph 1 and therefore these allegations are denied.
2. Applicant denies knowledge and information sufficient to admit or deny the allegations contained in Paragraph 2 and therefore these allegations are denied.
3. Applicant denies knowledge and information sufficient to admit or deny the allegations contained in Paragraph 3 and therefore these allegations are denied.
4. Applicant denies knowledge and information sufficient to admit or deny the allegations contained in Paragraph 4 and therefore these allegations are denied.
5. Applicant denies knowledge and information sufficient to admit or deny the allegations contained in Paragraph 5 and therefore these allegations are denied.

6. Applicant denies knowledge and information sufficient to admit or deny the allegations contained in Paragraph 6 and therefore these allegations are denied.

7. Applicant denies knowledge and information sufficient to admit or deny the allegations contained in Paragraph 7 and therefore these allegations are denied.

8. Applicant denies knowledge and information sufficient to admit or deny the allegations contained in Paragraph 8 and therefore these allegations are denied.

9. Answering Paragraph 9 of the Notice of Opposition, Applicant refers to the alleged documents and material indicated in Paragraph 9 which speak for themselves. To the extent the allegations contained in Paragraph 9 are inconsistent with the alleged documents and materials, these allegations are denied.

10. Answering Paragraph 10 of the Notice of Opposition, Applicant admits that the current owner of the Subject Trademark Application is the Gregory Group whose address is 377 Brookside Drive, Orangeburg, South Carolina 29115-4505 with phone number 803.928.2778, but otherwise denies each and every allegation contained in Paragraph 10.

11. Answering Paragraph 11 of the Notice of Opposition, Applicant admits that it is using its COOL CAT CAFÉ & Cat with Sunglasses Design mark in connection with the provision of restaurant services, but otherwise denies each and every allegation contained in Paragraph 11.

12. Answering Paragraph 12 of the Notice of Opposition, Applicant admits that the description of Applicant's logo as depicted in the alleged image but otherwise denies each and every allegation contained in Paragraph 12.

13. Applicant denies each and every allegation contained in Paragraph 13.

14. Applicant denies each and every allegation contained in Paragraph 14.

15. Applicant denies knowledge and information sufficient to admit or deny the allegations contained in Paragraph 15.

16. Applicant denies each and every allegation contained in Paragraph 16.

17. Applicant denies each and every allegation contained in Paragraph 17.

18. Applicant denies each and every allegation contained in Paragraph 18.

AFFIRMATIVE DEFENSES

19. Opposer fails to state a claim upon which relief can be granted.

20. Upon information and belief, Opposer's alleged mark is not a registered mark with the U.S. Patent and Trademark Office.

21. Upon information and belief, Opposer's alleged mark is not famous.

22. There is no likelihood of confusion, mistake or deception because, inter alia, the Mark and the alleged mark of Opposer are not confusingly similar.

23. Upon information and belief, users of Applicant's goods and services are sophisticated purchasers.

24. Upon information and belief, purchasers and users of Opposer's goods and services are sophisticated purchasers.

25. Applicant's Mark is unique and distinctive.

26. Applicant's Mark and Opposer's alleged mark are different in meaning.

27. Applicant's Mark and Opposer's alleged mark are different in appearance.

28. Applicant's Mark and Opposer's alleged mark have different commercial impressions.

29. Applicant's Mark and Opposer's alleged mark are not likely to cause confusion, mistake or deception to purchasers as to the source of Opposer's goods and services.

30. Applicant's Mark does not dilute Opposer's alleged mark.

31. Applicant's Mark does not falsely suggest a connection with Opposer's alleged mark.

32. Opposer's claims are barred by the doctrine of unclean hands or other applicable equitable principles.

33. Opposer has failed to adequately maintain, police, or enforce any trademark or proprietary rights it may have in its alleged mark.

34. As a result of Applicant's continuous use of the Mark since the time of Applicant's adoption thereof, the Mark has developed goodwill among the consuming public and consumer

acceptance of the restaurant services offered in Applicant. Such goodwill and widespread usage has caused the Mark to acquire distinctiveness with respect to Applicant, and caused the Mark to become a valuable asset of Applicant.

35. WHEREFORE, Applicant prays that the Trademark Trial and Appeal Board deny the Opposition No.: 91203146 and permit registration of the Mark of U.S. Trademark Application No. 85/309097 in the United States Patent and Trademark Office.

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February 3, 2012

CERTIFICATE OF ESTTA FILING AND SERVICE

I hereby certify that the foregoing **APPLICANT'S ANSWER TO NOTICE OF OPPOSITION**, is being filed and served electronically through ESTTA, a copy of this paper has also been served upon attorney of record for Opposer, at address of record by First Class Mail to the address below:

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s/J. Calhoun Watson
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February 3, 2012